## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

UNITED STATES OF AMERICA	)	
	)	
	) Case No. 1:00CR00016	
	)	
V.	) FINAL ORDER	
	)	
JOHNNY TURLEY,	) By: James P. Jones	
	) United States District Judg	ŗе
Defendant.	)	

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** as follows:

- 1. Johnny Turley's Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255, is GRANTED as to his claim that his conviction under 18 U.S.C.A. § 922(g)(1) and his sentence under 18 U.S.C.A. § 924(e) are unlawful under *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc); Turley's sentence is VACATED, effective upon resentencing by this court; and the current § 2255 action is hereby STRICKEN from the active docket of the court as fully resolved;
- 2. The United States' Amended Motion to Seal Exhibit 2 (Turley's Presentence Investigation Report) and to serve its Response

to the § 2255 motion without Exhibit 2 is GRANTED, and the original Motion to Seal is DISMISSED as moot;

3. The Clerk is DIRECTED to schedule a resentencing hearing with the defendant present;

4. The Clerk is DIRECTED to make arrangements for the appointment of counsel to represent Turley for resentencing; and

5. The Clerk will send a copy of the Opinion and this Order to the defendant at his place of confinement.

ENTER: October 1, 2012

/s/ James P. Jones

United States District Judge